

# PCT COOPERATION TREATY

28 SEP 2004

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**  
(PCT Rule 71.1)

Date of mailing  
(day/month/year)

09.01.2004

Applicant's or agent's file reference  
C01.WO.1.05

**IMPORTANT NOTIFICATION**

International application No.  
PCT/IB 03/01203

International filing date (day/month/year)  
02.04.2003

Priority date (day/month/year)  
03.04.2002

Applicant  
CARLE & MONTANARI S.P.A.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the International preliminary examining authority:



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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



28 SEP 2004

REC'D 12 JAN 2004

Applicant's or agent's file reference C01.WO.1.05	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 03/01203	International filing date (day/month/year) 02.04.2003	Priority date (day/month/year) 03.04.2002
International Patent Classification (IPC) or both national classification and IPC B65B11/28		
Applicant CARLE & MONTANARI S.P.A.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of    sheets.

- This report contains indications relating to the following items:
  - I    ☒ Basis of the opinion
  - II   ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV   ☐ Lack of unity of invention
  - V    ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI   ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  03.11.2003	Date of completion of this report  09.01.2004
Name and mailing address of the International preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Vigilante, M  Telephone No. +31 70 340-2902 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/IB 03/01203**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-35 as originally filed

**Drawings, Sheets**

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-35
	No: Claims	
Inventive step (IS)	Yes: Claims	1-35
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-35
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: EP-A-0 733 548 (NUOVA FIMA IMBALLAGGI) 25 September 1996

D2: US-A-3 899 865 (REVAZ LEON) 19 August 1975

D3: EP-A-0 769 453 (AZIONARIA COSTRUZIONI) 23 April 1997

2. Document D1, which is considered to represent the most relevant state of the art, discloses (see column 1, line 3-column 2, line 14; column 5, line 4 -column 8, line 40; column 10, line 52 -column 15, line 47; column 17, lines 14-43, figures 1-36) a wrapping machine for wrapping chocolate and similar products from which the subject-matter of claim 1 differs in that it comprises only one rotary wrapping wheel head and in that the rotary wrapping wheel head comprises at least eight gripper means. Claim 1 further differs from D1 in that the folding modules for folding the wrapping material to carry out different wrapping styles are being independently operated.

2.1 The problem solved by these features is to simplify the construction of such wrapping machine and at the same time to produce different wrapping styles according to the specific production demand.

2.2 Document D2 discloses a wrapping machine whereby the wrapping head has eight gripper means. However there is no hint in D2 toward the effect of such feature nor the combination of D1 and D2 would lead to the wrapping machine according to claim 1.

2.3 Therefore the subject matter of claim 1 is new and inventive (Article 33(2), Rule 64(1)-64(3) PCT).

3. Since claims 2-35 are dependent on new and inventive claim 1, the subject matter of these claims is automatically deemed to be both novel and inventive (Article 33(2), Rule 64(1)-64(3) PCT).

4. The term "wrapping head" in claim 1 should be clarified and limited to "wrapping

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International application No. PCT/IB03/01203

wheel head" as disclosed in the description and in the drawings. The term "wrapping head" as it stands now does not exclude the wrapping head described by D1, which would take away the novelty of claim 1.